IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 27TH SEPTEMBER 2007 / 5TH ASWINA 1929

WP(C).No. 28635 of 2007(H)

PETITIONER:

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1. SINDHU K.V.,
   LIVESTOCK INSPECTOR GRADE II,
   VETERINARY DISPENSARY,
   THODANNOOR,
   VADAKARA, KOZHIKODE DISTRICT.

2. SONIYA M.ANIL,
   LIVESTOCK INSPECTOR GRADGE II,
   VETERINARY HOSPITAL,
   KOYILANDI.

BY ADV. SRI.DEEPU THANKAN
SMT.O.H.NAZEEBA

RESPONDENTS:

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1. DISTRICT ANIMAL HUSBANDRY OFFICER,
   KOZHIKODE.

2. DISTRICT EMPLOYMENT OFFICER,
   KOZHIKODE.

BY ADV. SHRI.BEJOY CHANDRAN, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

WP(C) No. 28635 of 2007

Dated, this the 27th day of September, 2007

J U D G M E N T

The petitioners, who have been appointed as Live Stock Inspectors on provisional basis for a period of one year, claim eligibility to continue till regular PSC hands join for duty. Similarly situated persons had approached this Court in WP(C) No. 27413/2007. The said writ petition was disposed of vide Ext.P6 judgment. I had in the said judgment referred to the view taken by the Division Bench to the effect that provisional hands cannot have any right to claim retainment beyond the period for which they have been appointed. Nor can they claim a right to be retained till regular PSC hands join for duty.

2. But I also observed in the said judgment that it is open to the 1st respondent or the State Government to fill up those vacancies. I further referred to the observations made by the Division Bench in Writ Appeal No. 434/2002 & connected cases that it is open to the Department or the Government to fill up the vacancies with the provisional hands, who had already been appointed for a period of one year, if candidates from the

Employment Exchange are not available. The said directions of the Division Bench were made applicable to the petitioners in Ext.P6 judgment.

3. According to the petitioners, their services have been dispensed with along with that of others in Ext.P6 before the communication of Ext.P6 judgment.

4. What has been observed in Ext.P6, which is in consonance with the observations of the Division Bench in W.A.No. 434/2002, shall be taken note of by the 1st respondent. Subject to this observation, this writ petition is disposed of.

(V.GIRI, JUDGE.)

jg